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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,052	03/16/2001	Shigeru Hayakawa	000400-817	4764

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EXAMINER

HO, THOMAS Y

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,052

Applicant(s)

HAYAKAWA ET AL.

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 6-8, 10-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

The Amendment filed 12/06/02 in response to a non-final rejection mailed on 09/10/02 cancels claims 5 and 9, with the subject matter of claims 5 and 9 incorporated into independent claims 2 and 8. Therefore, the claims currently pending are claims 2-4, 6-8, and 10-11, as indicated by Applicant.

The only changes made in the Amendment filed 12/06/02 were to the independent claims, and the only arguments presented by Applicant relate to the two independent claims. The Examiner asserts that the same rejections under 35 USC 103 made in the last non-final rejection still stand, and so only amended claims 2 and 8 will be addressed because the detailed rejection of the other pending claims remain identical to the explanations provided in the prior non-final rejection mailed on 09/10/02.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 6-8, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cetnar USPN6102453 in view of Fisher UK2330864.

As to claim 2, Cetnar discloses:

- A latch mechanism adapted to a vehicle door and latching the vehicle door to the vehicle body.
- A link mechanism including an electric driving source 144/174.

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- An electric distribution plate electrically connected to the electric driving source.
- A plurality of lever members for selectively locking and unlocking the latch mechanism.
- A housing 12 accommodating the latch mechanism, including the electric driving source and the electric distribution plate, and the link mechanism.
- The electric driving source and the electric distribution plate being accommodated in the upper portion of the housing.
- The housing including a first cover and a main body having a first dish-shaped casing portion and a second dish-shaped casing portion.
- The first casing portion including an opening, closed by the first cover, at one side thereof.
- The second casing portion connected to the first casing portion and perpendicular to each other.
- Each of the lever members of the link mechanism being disposed within at least one of a first space defined between the first casing portion and the first cover and a second space defined by the second casing portion.

Cetnar fails to disclose or suggest:

- A second cover.
- The second casing portion including an opening, closed by the second cover, at one side thereof.

Fisher discloses a vehicle door securing mechanism with covers surrounding all parts of the internal lock mechanism to form a unitary assembly for mounting in the door (pg.3). It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle door locking system disclosed by Cetnar to have a second cover, as taught by Fisher, to form a unitary assembly, and also to protect all parts from the elements.

As to claim 8, Cetnar discloses a vehicle door locking system comprising:

- A housing 12 comprised of a main body, and a first cover.
- The main body comprising a first casing portion and a second casing portion.
- The first casing portion having an open end closed by the first cover with a first space between the first cover and the first casing portion.
- The second casing portion having an open end defining a second space.
- The first and second casing portions being connected to each other and being oriented relative to one another such that the open end of the first casing portion and the open end of the second casing face in directions perpendicular to one another.
- A latch mechanism adapted to latch a vehicle door to a vehicle body (col.5, ln.50-54), the latch mechanism being accommodated in the housing.
- A link mechanism adapted to latch a vehicle door to a vehicle body, the latch mechanism accommodated in the housing.
- A link mechanism including an electric driving source 144/174.
- An electric distribution plate electrically connected to the electric driving source.
- A plurality of lever members for selectively locking and unlocking the latch mechanism.

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- The link mechanism, including the electric driving source and the electric distribution plate, being accommodated in the housing, with each of the lever members being accommodated in either the first space or the second space.
- The electric driving source and the electric distribution plate being accommodated in an upper portion of the housing.

Cetnar fails to disclose or suggest the following limitations:

- A second cover.
- The second casing portion having an open end closed by the second cover with a second space between the second cover and the second casing portion.

Fisher discloses a vehicle door securing mechanism with covers surrounding all parts of the internal lock mechanism to form a unitary assembly for mounting in the door (pg.3). Using the housing disclosed by Fisher in combination with the apparatus of Cetnar would provide a cover over the latch mechanism (fig.3), as well as behind the latch mechanism (fig.4), thus creating a second space. It would have been obvious to modify the vehicle door locking system disclosed by Cetnar to have a second cover, as taught by Fisher, to form a unitary assembly, and also to protect all parts from the elements.

Response to Arguments

Applicant's arguments filed 12/06/02 have been fully considered but they are not persuasive.

Applicant argues (pg.5, first paragraph) that Cetnar “does not describe that the various vehicle door locking systems should be configured so that an electric distribution plate electrically connected to the motors is positioned at the upper portion of the housing...to avoid

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locating the electric distribution plate, as well as the electric driving source, at a location not as likely to be subjected to water that might collect in the housing.” Furthermore, Applicant states “It appears, for example, that the electric distribution plate is actually located in the lower portion of the housing considering the disclosed location for the switch assemblies...” The Examiner asserts that the embodiment described by Applicant as having switch assemblies (fig.22) is an embodiment of a locking mechanism that is not relied upon for the Cetnar rejection, so any discussion of the embodiment in figure 22 is moot. However, because Applicant relates the location of the switch assemblies to the location of the electric distribution plate, the Examiner directs attention to switch assembly 138 (col.8, ln.24-35) in figure 7, which is the embodiment of the locking mechanism upon which the rejections rely. The switch assembly 138 is shown at the top of the housing 12, and no other electrical assemblies are shown anywhere on the bottom of the housing 12, as evidenced by other views of the embodiment in figures 3-9.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y. Ho whose email address is thomas.ho@uspto.gov and telephone number is (703) 305-4556. The examiner can normally be reached on M-F 9:30AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9327.

TYH
February 3, 2003


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600